SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	April 5, 2017
Date of meldent.	April 3, 2017
Time of Incident:	12:53 am
Location of Incident:	
Date of COPA Notification:	April 5, 2017
Time of COPA Notification:	10:13 am
	5

On the night of this incident the owner of the Lounge, telephoned 911 to report an ex-employee threatened him during a dispute over wages. The ex-employee left the lounge before the police responded. During the investigation Mr. could not explain how he had been threatened or provide any information regarding the ex-employee. Mr. also did not have the required business licenses displayed inside the lounge. Mr. alleged that when the officers attempted to take him into custody one of the officers pushed him from behind and a second officer punched him on his face. Mr. was subsequently arrested and transported to a police station by other officers.

II. INVOLVED PARTIES

Involved Officer #1:	; Star # ; Employee # ; Date of Appointment: 1992; Rank: Sergeant; Unit of Assignment: ; DOB: 1967; Gender: Male; Race: White.
Involved Officer #2:	Star # ; Employee # ; Date of Appointment: , 2013; Rank: Police Officer; Unit of Assignment: , DOB: , 1988; Gender: Female; Race: Hispanic.
Subject #1:	; DOB: , 1973; Race: Asian/Pacific Islander.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer #1: Unidentified	1. Punched Mr. about his face.	Unfounded
	2. Refused to allow Mr. to call his attorney.	Unfounded
	3.	
Officer #2: Unidentified	1. Pushed Mr. from behind without justification.	Unfounded
	2. Refused to allow Mr. to call his attorney.	Unfounded
	3.	3

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
2.
3.
General Orders
1,
2.
3.
Special Orders
1. Special Order S08-01-01; Part II, Section F, Paragraph 13.
2.
3.
Federal Laws
1.
2.
3.
State Laws

V. INVESTIGATION 2

a. Interviews

In a statement to COPA on April 6, 2017, the complainant, stated that on the night of this incident his former employee came to his business for her paycheck. Mr. explained that the former employee claimed she was owed more money and refused to sign for the check. They argued, and Mr. stated that his former employee threatened him by saying, "And she gonna contact the Labor Department and she gonna contact this person, that person. And she's goin' wild, crazy." Mr. stated that his former employee took her check and left without signing for it. Mr. explained that he then called 911 because his former employee did not sign for her check.

stated that when the police arrived he explained to them what transpired. A female Hispanic officer repeatedly asked him about his liquor license. Mr. told the officer that all his business licenses were in his office. Mr. walked to his office and retrieved the licenses. He showed them to the officer who then asked about a license on a wall. Mr. told the female officer that he had other licenses on the wall in his office. Mr. and the female officer began to walk to his office when he was stopped by a male white officer wearing a white uniform shirt. The male officer told Mr. that his business license is required to be hanging visibly on a wall. The male officer told Mr. that he was under arrest, to which Mr. said to the officer that he (Mr. not believe he could be arrested for not displaying his license. Mr. stated that the male officer pulled out his handcuffs and told Mr. to give him his hands. Mr. stated that he backed away from the male officer because he did not want to be arrested. The male officer attempted to grab repeatedly pulled away from the officer. Mr. stated, "Both of them jump on him, but Mr. me, beat me, and scratch on my face." According to Mr. , the male officer punched him on his mouth when the officers were attempting to grab him. Mr. stated that the female officer pushed him from behind. Mr. did not know how he sustained the scratch to his face. Mr. subsequently handcuffed by the officers. Mr. stated that he bled from his face and his mouth. stated that he was then transported to the police station by two different police officers.

b. Digital Evidence

The recording from **Sgt.** 's **Body-Worn Camera**⁶ showed Sgt. entering the foyer of the Lounge and attempted to speak to Mr. by asking him where his business licenses were but Mr. was speaking on his cell phone. Sgt. and Officer

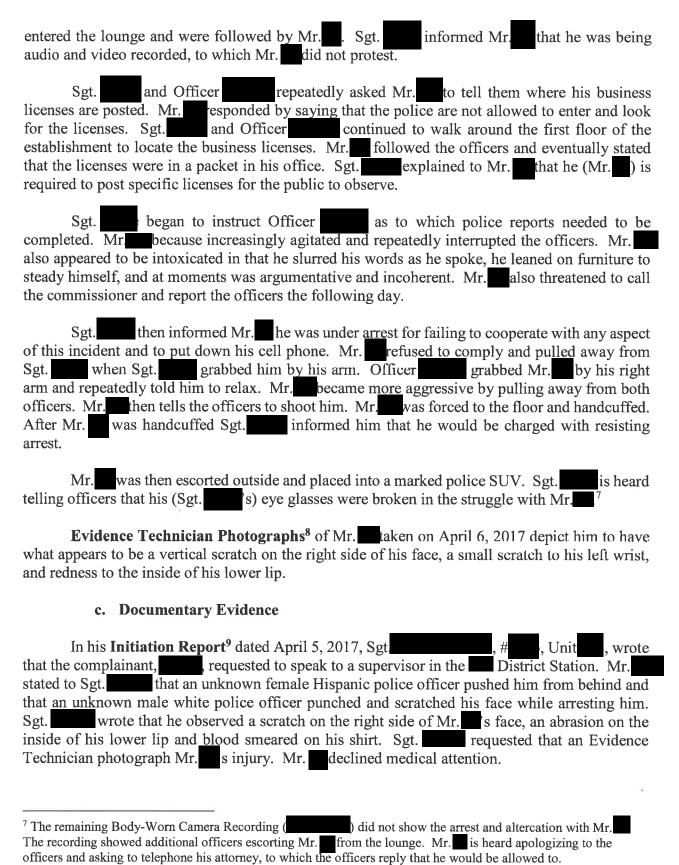
² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 17.

⁴ Statement of P. 7, L. 28-31.

⁵ *Id*; P. 14, L.5-7.

⁶ Attachment 26.

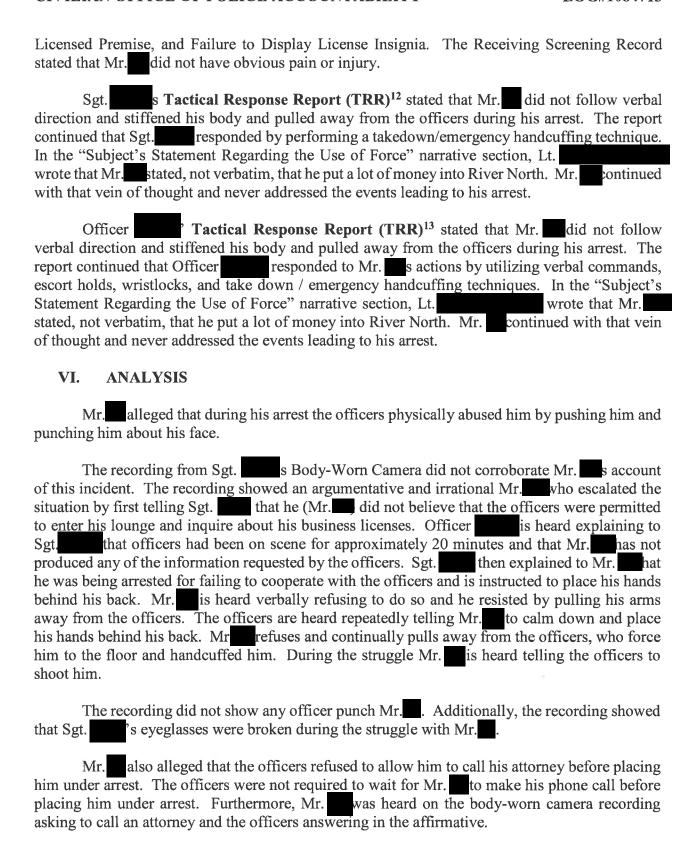


⁸ Attachment 22.9 Attachment 4.

The General Offense Case Report¹⁰ stated that Officers and , responded to a call of a Disturbance in the office at the Lounge . Preliminary Investigation revealed that Mr. had a meeting located at with an ex-employee over wages. The meeting escalated into a verbal altercation, during which the ex-employee failed to leave the premise and made threats in which Mr. felt he was in fear of retribution or of receiving a battery. When asked about the specific threats or actions that would indicate an assault, Mr. could not offer an explanation. Also, the ex-employee had left the premises prior to the officers' arrival. While waiting for Mr. to provide license information and contact info for the ex-employee Officers and were informed that the ex-employee relocated to the District Station to make a report regarding unpaid wages by Mr. . It was determined that the incident was civil, not criminal, in nature. During the investigation Officer asked Mr. if the required business licenses were posted on the walls for inspection. Mr. stated the licenses were posted, but an inspection of the premises determined that to not be true. No licenses were posted on the premise. Mr. became agitated and refused to answer any questions or provide basic information. Officer is then heard telling Sgt. that officers had been on the scene for approximately 20 minutes and that Mr. has not produced any of the information requested by them. Sgt. is heard informing Mr. that he was under arrest for not cooperating with the investigation. Mr. was instructed to place his cell phone down and place his hands behind his back. Sgt. placed one cuff on Mr. s left wrist, at which time Mr. became an active resistor by pulling away and stiffening his body in an attempt to defeat the arrest. Sgt. ad Officer performed an emergency takedown and was successfully handcuffed and taken into custody. Mr. was walked to a police vehicle without further incident. It was reported that during the emergency takedown Sgt. right elbow on an unknown object and that Officer struck her left knee on the ground. Officers and noted that at the time of the incident Mr. appeared to have been intoxicated in that he had slurred speech, he smelled of alcohol, redness to his eyes, and uneven movement. 's Arrest Report¹¹ stated that Beat (Officers and assigned to a disturbance at . Mr. informed Officer that he was the victim of an assault by an ex-employee who failed to leave the premise. Officer during the investigation and reporting that the allegations Mr. made against the ex-employee were largely exaggerated and untrue. The ex-employee had left the location after being asked. During questioning, Mr. did not offer any reasonable or credible explanation as to why he felt threatened by the ex-employee. Furthermore, Mr. failed to provide any of the ex-employee's identifying information. Mr. also did not provide any requested license information as required of a licensed premise. When asked, Mr. stated that his business license was posted on a wall inside the premise. Investigation revealed no license was posted or available. When the officers attempted to place Mr. under arrest, Mr. stiffened his body and pulled away from Officer in an attempt to defeat the arrest. Mr. was subsequently placed and Sgt. under arrest and transported to the District Station where he was processed. Mr. charged with Failure to Report to a Public Safety Agency, 2 counts of Resisting a Police Officer, Failure to Post Health Warning, Failure to Cooperate with Police regarding Illegal Activity in

¹⁰ Attachment 6.

¹¹ Attachment 5.



¹² Attachment 7.

¹³ Attachment 8.

This investigation revealed no evidence to support the allegations made by Mr. Conversely, there is clear and convincing evidence that the facts did not occur as alleged. Accordingly, these allegations are UNFOUNDED.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Unidentified Officer	1. Punched Mr. about his face.	Unfounded
	2. Refused to allow Mr. to call his attorney.	Unfounded
Unidentified Officer	1. Pushed Mr. from behind without Justification.	Unfounded
	2. Refused to allow Mr. to call his attorney.	Unfounded

Approved:

March 7, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:	
Major Case Specialist:	
Supervising Investigator:	
Deputy Chief Administrator:	